

**Strange, Aaron (AU2153)**

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**From:** Strange, Aaron (AU2153)  
**Sent:** Monday, August 09, 2010 9:52 AM  
**To:** 'Benson, Carl'  
**Subject:** RE: Application Serial No. 08/444,788  
**Attachments:** 08444788v2.pdf

A new proposed Office action is attached. It contains a reponse to the comments accompanying the proposed amendment and the rejection has been modified slightly to account for the changed language in the proposed claims. The prior art used in the rejection remains the same. Let me know if there are any questions.

*Aaron N. Strange*

*Patent Examiner*

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RND 9B77

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**From:** Benson, Carl [mailto:CBenson@goodwinprocter.com]  
**Sent:** Friday, July 30, 2010 11:48 AM  
**To:** Strange, Aaron (AU2153)  
**Cc:** Scott Jr, Thomas J; Kim, Nicholas J  
**Subject:** Application Serial No. 08/444,788

Examiner Strange,

We have reviewed your proposed rejection of claims 2 and 12 of Applications Serial No. 08/444,788 over the Summers and Lambert references. Attached is a proposed amendment to claims 2 and 12 which is intended to obviate the proposed rejections. Essentially, both independent claims have been amendment to incorporate the limitations of claim 7. In particular, the claims now recite that software and a code or data. In the proposed rejection you noted that the supplemental data of Summers may be control data. The control data of Summers is not associated software and cannot suggest both the software and code or data set forth by claims 2 and 12 amendment.

Please let us have any questions or comments regarding this proposed amendment. As set forth in MPEP 502.03, we recognize that Internet communications are not secure. Accordingly, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<TRAN87 Proposed Draft Amendment PMC-003C107.DOC>>

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9/15/2010

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